

REMARKS

In response to the office action dated November 3, 2004, applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 3-19, 21, 22 and 27-39 were rejected in the office action. Claims 1 and 12 have been amended. Claims 33 and 35-39 have been canceled. No claims have been added. Therefore, following entry of the present response, claims 1, 3-19, 21, 22, 27-32 and 34 will remain pending in the present application.

Claim 1 has been amended to include the additional feature previously recited in now-canceled claim 35. In particular, claim 1 now recites that the call that is forwarded is from a wired line. Claim 12 similarly has been amended. Therefore, applicant addresses the rejection and comments in the advisory action addressed to all the claims, but particularly with respect to claim 35.

The office action suggested that the feature of forwarding a call that originally was made to a wired telephone line was obvious under U.S.C. 103(a) over Alperovich in view of Silverman and Roberts. In particular, the office action suggests that while “Alperovich does not specifically teach receiving a telephone call to a called party wired line . . . Roberts teaches receiving a telephone call to a called party wired line (see col. 3, lines 35-52).” (*Office Action dated November 3, 2004* at p. 8). Moreover, the office action asserts that “it would have obvious to one of ordinary skill in the art to make the device adapt to include receiving a telephone call to a called party wired line, . . . because this would allow for an improved location based call forwarding service that works transparently to the subscriber.” (*Office Action dated November 3, 2004* at p. 8). Furthermore, the advisory action suggests that the application of forwarding from a wire line would have been obvious “because telecommunication terminals are capable of originating calls towards various communication devices including wire line devices and it would allow for more efficient location-based call forwarding.” (*Advisory Action dated March 25, 2005* at p. 3).

With all due respect to the contentions in the office action, applicant certainly acknowledges that Roberts merely teaches that a telephone call may be directed to a called party wired line. Of course, this sort of teaching has existed for as long as telephone

communications have existed. However, applicant respectfully asserts that the combination of Roberts with Alperovich and Silverman is not, by itself, sufficient to establish a prima facie case of obviousness, because none of the references teaches or even suggests the techniques contemplated by the presently claimed embodiments.

The references cited in the office action discuss the detailed process of forwarding a call made to a wireless caller. In particular, Silverman describes the process of “handing off” a cell phone device as it moves from one cell site to another, as a cell phone device moves from one cell site to another. The cell phone registers with the nearest cell site and this process is repeated as the cell phone moves through various cell sites. As a result, when an incoming call is directed to the cell phone device, the call is processed by the cell site to which the cell phone last registered. This is a common practice for cell phone communication, well known to those skilled in the art.

However, the process for a call that is initiated to a wired line is distinctly different. As is understood by those skilled in the art, a call to a wired line does not contemplate consideration of a called party’s movement. The wired line is stationary and does not move with the called party. Accordingly, there is no continuous registration of a wire line device that tracks the movement of the user, as there is with a wireless device. As a result, tracking the location of a user where the call originally is made to the wired line requires a sufficiently more complicated and complex solution.

The embodiment contemplated by the present claims allows for the called party’s location to be tracked, even where the call is made to the called party’s stationary wired line. Because the received call is not originally directed to a wireless call, the contemplated solution cannot rely on the inherent re-registration that is found with wireless communication. Applicant agrees with the office action’s suggestion that a call to a wired line that “finds” the called party “allows for more efficient location-based call forwarding.” (*Office Action dated November 3, 2004* at p. 9). However, the claimed invention’s more efficient techniques are not taught or even suggested in the context of a call received at a wired line.

In addition, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *MPEP 2143*. The office action argues that merely because the references can

be modified, the combination of the references renders the instant claims obvious.

The office action has not pointed to any suggestion in the prior art regarding a desirability to modify and combine the references. The office action states that it would have been obvious to modify Alperovich and Silverman by receiving a telephone call at a called party wired line as taught by Roberts because it would “have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a telephone call to a called party wired line.” (*Office Action dated November 3, 2004* at p. 8).

The quoted statement in the office action may be true. However, there is no suggestion that it would be desirable to modify Alperovich or Silverman by combining it with Roberts to meet the features recited in claim 1. Applicant asserts that without support as to why it would have been desirable to combine Alperovich, Silverman or Roberts to meet the presently claimed features, the office action’s assertion of obviousness amounts to nothing more than impermissible hindsight using the applicant’s claimed subject matter. 35 U.S.C. § 103 requires a specific suggestion or motivation suggested in the prior art to modify the reference or to combine reference teachings. *MPEP 2143*. Neither Alperovich, Silverman or Roberts provide specific guidance that would lead one of ordinary skill in the art to combine the references as suggested. Specifically, Roberts simply is directed to receiving a telephone call at a called party wired line.

In addition, as previously argued, contrary to the contentions in the office action, Silverman does not teach forwarding a call to locations that are identified *independent* of called party predetermination. Quite the contrary, Silverman identifies its forwarded sites as being “*related* alternate communication devices.” (*Silverman* — column 5, lines 41-42) (emphasis added). This description of the forwarded locations as being predetermined or “related” is consistent with the discussion throughout Silverman.

In particular, Silverman describes the process of “handing off” a cell phone device as it moves from one cell site to another. As Silverman discusses throughout, when a cell phone device (for example moving in an automobile) moves from one cell site to another, the cell phone registers with the nearest cell site. As a result, when an incoming call is directed to the cell phone device, the call is processed by the cell site to which the cell phone last registered.

This process is repeated as the cell phone moves through various cell sites. This is a common practice for cell phone communication, well known to those skilled in the art.

In addition, Silverman describes a process of directing an incoming call to an “alternate communication device” when the cell phone is “not available.” Such unavailability may be due to the cell phone being turned off or being outside the range of any of the available cell sites. Under these circumstances, Silverman discusses forwarding the incoming call to an “alternate communication device.” However, contrary to the contention in the office action, Silverman’s “alternate communication device” is not identified “independent of called party predetermination,” as recited in the present claims. Instead, Silverman describes the “alternate communication device” as being a communication device that is “mapped to the most recent active cell site” of the called party. (*Silverman* — Abstract) This mapping is clearly illustrated in Silverman’s Table 1, which shows a predetermined list of alternate communication devices mapped to their respective nearest cell sites. (*Silverman* — column 3, lines 28-42)

In other words, in Silverman, the call is forwarded to a predetermined communication device that is based on a mapping of the location of the called party. This type of predetermination is precisely that which is avoided according to exemplary embodiments.

Accordingly, because Silverman and Roberts fail to make up for the deficiencies of Alperovich, independent claims 1, 12, and 27 are considered allowable over any combination of these patents. In addition, claims 3-11, 13-22, and 28-32 and 34 depend from claims 1, 12, and 27, respectively, and are considered allowable for at least the same reasons.

With regard to claims 3, 15, and 31, the office action relies on Akhterruzzaman for the features missing from Alperovich and Silverman. With regard to claims 7, 18, and 21, the office action relies on Roberts for the features missing from Alperovich and Silverman. Neither Akhterruzzaman nor Roberts make up for the deficiencies of independent claims 1 and 12 as pointed out above. Therefore, claims 3, 7, 15, 18, and 21 are considered allowable over any combination of these patents.


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PROCEDURE PURSUANT TO
37 CFR § 1.116

CONCLUSION

In view of the foregoing, applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia, at (215) 564,8946, to discuss resolution of any remaining issues.

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